

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Vivian Bert, et al.,	:	Case No. 1:02-cv-467
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
AK Steel Corporation,	:	
	:	
Defendant.	:	

ORDER

On May 14, Defendant AK Steel Corporation filed a motion for summary judgment against three of the individual Plaintiffs in this case: Ronald Sloan, Mary Harris, and Thaddeus Freeman. Each of these Plaintiffs filed a voluntary bankruptcy petition after the filing of this lawsuit, and failed to disclose the existence of their claims to the bankruptcy trustee. These facts were discovered in the course of discovery in this case. Defendant argues that each of the three individuals lacks standing and/or is estopped from proceeding in this case due to the failure to disclose the claims.

Plaintiffs oppose the motion because their failure to disclose their claims was inadvertent. (See Doc. 111 and attached deposition excerpts of the three Plaintiffs.) Plaintiffs also filed materials indicating that the Trustee for both Sloan and Harris had filed motions to reopen their respective bankruptcy actions in order to administer this claim,

and perhaps retain counsel to represent the trustee in this action.

Before ruling on the Defendant's summary judgment, the Court orders Plaintiffs to file a report concerning the status of the bankruptcy proceedings for each of the three Plaintiffs, as well as an update concerning the intent of each Trustee to pursue the Plaintiffs' claims in this case on behalf of each Plaintiff's creditors. The report should be filed no later than October 1, 2007.

SO ORDERED.

DATED: September 20, 2007

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court